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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SANDRA LEE JONES
210 W. Riverside #10
Carlsbad, New Mexico 88220

Registered Nurse License No. 353094

Respondent.

Case No. 2007-24

ACCUSATION

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about November 30, 1982, the Board issued Registered Nurse License Number 353094 to Sandra Lee Jones ("Respondent"). The license expired on February 29, 1996, and has not been renewed.

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3. Business and Professions Code section ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Code section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

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6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 7. Respondent is subject to discipline under Code section 2761(a)(4), in that,
4 on or about March 20, 2002, before the Nevada State Board of Nursing, in the matter entitled, "*In*
5 *the Matter of Sandra Jones*," Case No. 0412-00C, an Agreement for Probation (Disciplinary),
6 attached hereto as Exhibit A, was entered into by Respondent and the Nevada State Board of
7 Nursing, wherein Respondent's Nevada State Registered Nursing License No. RN 32701 was
8 revoked, with the revocation stayed and Respondent placed on probation for a period of five (5)
9 years under certain terms and conditions. The disciplinary action was based upon the following:

10 a. Respondent admitted that she self reported on August 16, 2000, that she
11 diverted controlled substances including Percocet and Morphine from her place of employment
12 over approximately a period of five (5) months and self administered controlled substances orally
13 and intramuscularly while practicing nursing.

14 b. Respondent admitted that she was confronted at Sunrise Hospital while
15 employed by Best Nursing, had a drug screen drawn, and admitted to her supervisor that she had
16 practiced while impaired.

17 c. Respondent admitted that she is habitually intemperate and/or addicted to
18 controlled substances.

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1 **PRAYER**

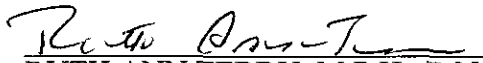
2 **WHEREFORE**, Complainant requests that a hearing be held on the matter herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 353094, issued
5 to Sandra Lee Jones;

6 2. Ordering Sandra Lee Jones to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 7/24/06

11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant

16 SA2005103831
17 Accusation (kdg) 6/26/06
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EXHIBIT A
Agreement for Probation (Disciplinary)

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NEVADA STATE
BOARD OF NURSING

BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF

SANDRA JONES, RN

REGISTERED NURSE

NEVADA LICENSE NO. RN32701

RESPONDENT

AGREEMENT FOR
PROBATION (Disciplinary)

CASE NO. 0412-00C

This Agreement is hereby entered into between SANDRA JONES, (RESPONDENT) and the NEVADA STATE BOARD OF NURSING, (BOARD).

It is hereby stipulated and agreed, by and between the parties to the above-entitled matter, that the following statements are true:

1. RESPONDENT is aware of, understands, and has been advised of the effect of this Agreement, which Respondent herein has carefully read and fully acknowledges. No coercion has been exerted on the Respondent. Respondent acknowledges her right to an attorney at her own expense. The Respondent has had the benefit at all times of obtaining advice from competent counsel of her choice.

2. RESPONDENT understands the nature of the allegations under investigation by the Nevada State Board of Nursing. Respondent freely admits that she self reported on August 16, 2000, that she diverted controlled substances including Percocet and Morphine from her place of employment over approximately a period of five (5) months and self administered controlled substances orally and intramuscularly while practicing nursing. Respondent further freely admits that she was confronted at Sunrise Hospital while employed by Best Nursing, had a drug screen drawn, and admitted to her supervisor that she had practiced impaired. Respondent freely admits that she is habitually intemperate and/or addicted to controlled substances. Respondent acknowledges the conduct described in paragraph two (2) constitutes a violation of the Nevada Nurse Practice Act. (NRS and NAC 632) Respondent further acknowledges that such admissions subject her to disciplinary action by the Board.

1 3. RESPONDENT is aware of the Respondent's rights, including the right to a
2 hearing on any charges and allegations, the right to an attorney at her own expense, the right to
3 examine witnesses who would testify against her, the right to present evidence in her favor and
4 call witnesses on her behalf, or to testify herself, the right to contest the charges and allegations,
5 the right to reconsideration, appeal or any other type of formal judicial review of this matter, and
6 any other rights which may be accorded to her pursuant to the Nevada Administrative Procedures
7 Act and the provisions of Chapter 632 of the Nevada Revised Statutes and the Nevada
8 Administrative Code. **Respondent agrees to waive the foregoing rights upon acceptance of**
9 **this Agreement by the Board.**

10 4. RESPONDENT understands that the Board is free to accept or reject this
11 Agreement, and if rejected by the Board, a disciplinary proceeding may be commenced.

12 5. Should the Agreement be rejected by the Board, it is agreed that presentation to
13 and consideration by the Board of such proposed Agreement, shall not disqualify the Board, or
14 any of its members, from further participation, consideration, adjudication or resolution of these
15 proceedings, and that no Board member shall be disqualified or challenged for bias therefore.

16 6. If, after notice and hearing, Respondent is found to have violated the terms or
17 conditions of probations, the Board may revoke probation for Respondent and carry out the
18 disciplinary order of revocation set forth herein. The Board shall have continuing jurisdiction
19 over any petition to revoke probation filed against Respondent until such matter is final.

20 7. This Agreement shall only become effective when both parties have duly
21 executed it and unless so executed, this Agreement will not be construed as an admission.

22 8. This Agreement shall not be construed as excluding or reducing any criminal or
23 civil penalties or sanction or other remedies that may be applicable under federal, state or local
24 laws.

25 9. Based upon the foregoing stipulations and recitals, it is hereby agreed that the
26 Board may issue the following decision and order:
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1. **LICENSE MARKED "RESTRICTED" AND RETURN OF UNMARKED LICENSE**

2. ABSTINENCE FROM ALCOHOL, MOOD ALTERING DRUGS,
CONTROLLED SUBSTANCES

3. PARTICIPATION IN BOARD-APPROVED AFTERCARE PROGRAM

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NEVADA STATE
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1 4. **COUNSELOR REPORTS (DUE QUARTERLY)**

2 RESPONDENT shall have a Board approved substance abuse counselor, or other state licensed
3 counselor, associated with her aftercare program who shall:

- 4 a. Have been approved by the Board prior to the initiation of
5 treatment;
- 6 b. Submit progress reports related to the plan of treatment every three
7 (3) months;
- 8 c. Identify at the completion of one (1) year of the aftercare program
9 whether Respondent needs to continue in aftercare or other
 counseling;
- 10 d. Respondent shall participate in individual counseling with a Board
11 approved counselor until the counselor and the Executive Director
12 or Associate Executive Director for Nursing Practice approve
 discontinuance;
- 13 e. All changes in counselors shall be approved prior to their
14 implementation;
- 15 f. A second opinion may be required to terminate any counseling.

16 5. **SUBMISSION OF EVIDENCE OF ATTENDANCE AT ALCOHOLICS**

17 **ANONYMOUS (AA) OR NARCOTICS ANONYMOUS (NA) MEETINGS**

18 RESPONDENT shall attend a minimum of two (2) meetings per week of Alcoholics Anonymous
19 (AA) or Narcotics Anonymous (NA) throughout probation, and shall submit documentation of
20 all meetings attended to the Board on a quarterly basis.

21 6. **SUBMISSION OF EVIDENCE OF ATTENDANCE AT GAMBLERS**

22 **ANONYMOUS (GA) MEETINGS**

23 RESPONDENT shall attend a minimum of two (2) meetings per week of Gamblers Anonymous
24 (GA) and shall submit documentation of all meetings attended to the Board on a quarterly basis
25 for a minimum of one (1) year. Respondent shall participate in Gamblers Anonymous (GA) until
26 the Associate Executive Director for Nursing Practice and the Disability Advisory Committee
27 approve discontinuance.

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1 7. **SUBMISSION OF AA/NA/GA SPONSOR REPORTS**

2 RESPONDENT shall cause her AA or NA sponsor and her GA sponsor to submit reports
3 addressing Respondent's progress in recovery, on forms provided by the Board, on a quarterly
4 basis.

5 8. **ATTENDANCE AT NURSE SUPPORT GROUP**

6 RESPONDENT shall attend weekly meetings of a Board-approved Nurse Support Group and
7 submit documentation of all meetings attended to the Board on a quarterly basis.

8 9. **SUBMISSION TO URINE, BLOOD, OR OTHER TESTS FOR DRUGS OF**
9 **ABUSE**

10 RESPONDENT shall submit to random urine, blood or other tests for drugs of abuse and/or
11 alcohol when requested by her counselor, supervisor, or representative of the Board; however,
12 these tests shall occur no less than one time every month. Respondent shall cause her physician
13 to write a standing order for testing for alcohol and drugs of abuse. These tests shall be treated
14 as forensic specimens and submitted to a Board-approved laboratory. Respondent shall cause the
15 results to be given to the requesting party and the Board. Any confirmed positive finding shall
16 be reported immediately to the Board. Changes in frequency of tests may be approved by the
17 Associate Executive Director for Nursing Practice and the Disability Advisory Committee.

18 10. **ATTENDANCE AT A BOARD MEETING MANDATORY**

19 RESPONDENT shall, during the first year of this Agreement, attend a minimum of one meeting
20 of the Nevada State Board of Nursing during which disciplinary hearings are held. This shall not
21 include any meeting at which her own case is considered.

22 11. **TIME EARNED OFF PROBATION**

23 RESPONDENT shall only receive credit toward service of her probation period while employed
24 in a capacity for which nursing licensure is required and subject to adequate supervision
25 approved by the Board.

26 12. **WRITTEN EMPLOYMENT SITE APPROVAL BY BOARD STAFF**

27 The Board shall approve all employment sites (changes in specialty and/or work site or unit,
28 including changes within the same facility or under the same employer) requiring a nursing

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license prior to commencement of work. Approval is given through the Executive Director, or the Associate Executive Director for Nursing Practice.

13. **WRITTEN NOTIFICATION OF TERMINATION OF EMPLOYMENT TO BOARD**

RESPONDENT is required to notify the Board in writing within seventy-two (72) hours after commencement or termination of any nursing employment. Any notification regarding termination shall contain a full explanation of the circumstances surrounding it.

14. **DIRECTION BY A REGISTERED NURSE**

RESPONDENT shall be employed in a setting in which direction is provided by a Registered Nurse. Direction shall mean: the intermittent observation, guidance and evaluation of the nursing practice by a licensed professional nurse who may only occasionally be physically present; the degree of direction needed shall be determined by an evaluation of the patient care situation, and the demonstrated proficiency of the Respondent.

15. **RESTRICTION FROM FUNCTIONING IN A SUPERVISORY ROLE**

RESPONDENT may not function as a supervisor, including as a head nurse or charge nurse for a minimum of one (1) year and unless approved by the Associate Executive Director for Nursing Practice and the Disability Advisory Committee.

16. **ACCESS TO CONTROLLED SUBSTANCES**

RESPONDENT shall have no access to controlled substances during her employment as a licensed nurse for a minimum of one (1) year and until specifically authorized by the Associate Executive Director For Nursing Practice and the Disability Advisory Committee.

17. **LIMITATION ON HOURS WORKED**

RESPONDENT shall not work more than ninety (90) hours in nursing in a two (2) week period. Changes in hours may be approved by the Associate Executive Director for Nursing Practice and the Disability Advisory Committee.

18. **SUBMISSION OF AGREEMENT TO IMMEDIATE SUPERVISOR**

RESPONDENT shall provide a copy of this Agreement to her employer and immediate supervisor.

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1 19. **INITIAL SUPERVISOR REPORTS (DUE PRIOR TO BEGINNING**
2 **EMPLOYMENT)**

3 RESPONDENT shall cause her nursing supervisor (the person who is directly responsible for
4 everyday nursing functions) to submit a written report prior to the commencement of
5 employment. A form is provided for this report which includes:

- 6 a. Name and address of employer and name of immediate
7 supervisor;
8 b. Duties and responsibilities to be carried out by Respondent in
9 the form of a job description;
10 c. Acknowledgement from the supervisor that this Agreement has
11 been read, that the role of the supervisor is understood, and that
12 the supervisor agrees to participate in the Respondent's
 probationary stipulations as outlined in this Decision and
 Order.

13 A report of this content shall be submitted by each additional or subsequent employer during the
14 entire probationary period and shall be due prior to the commencement of employment.

15 19. **SUPERVISOR REPORTS (DUE QUARTERLY)**

16 RESPONDENT shall cause her nursing supervisor (the person who is directly responsible for
17 everyday nursing functions) to submit quarterly written reports to the Board addressing work
18 attendance, reliability, ability to carry out assigned nursing functions, ability to handle stress
19 (change in behavior patterns), and any other information the employer or supervisor feels would
20 assist the Board in its ultimate review of Respondent's case. The supervisor shall include
21 notification of any infractions of laws that come to her attention, and any other relevant
22 information.

23 20. **SELF REPORTS (DUE QUARTERLY WHETHER WORKING OR NOT)**

24 RESPONDENT shall submit written reports, whether working or not, on her progress in
25 recovery, her ability to handle stress, her mental and physical health, her current job duties and
26 responsibilities, her ability to practice nursing safely, and any changes in her plan for meeting the
27 stipulations of this Agreement.
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1 21. **SELF REPORTS (DUE QUARTERLY) – ADDITIONAL INFORMATION**

2 RESPONDENT shall make and present written documentation that she is making acceptable
3 progress in recovery; it is the Respondent's responsibility to resolve any confusion with the
4 Executive Director or Associate Executive Director for Nursing Practice. Failure to demonstrate
5 acceptable progress in recovery may be considered a violation of this Agreement.

6 22. **REPORT DUE DATES**

7 RESPONDENT shall cause all reports to be in writing and submitted directly to the Board on a
8 quarterly basis unless otherwise specified. These reports shall begin three (3) months subsequent
9 to the execution of this Agreement and are due no later than the last day of the month. It is the
10 obligation of the Respondent to insure that all written reports are on time. The failure to submit
11 the reports on time may be considered a violation of this Agreement. Changes in the frequency
12 of reporting may be approved by the Associate Executive Director for Nursing Practice and the
13 Disability Advisory Committee.

14 23. **REQUIREMENT TO MEET WITH THE BOARD OR STAFF UPON**
15 **REQUEST**

16 RESPONDENT shall meet with the Board or its representatives upon request and shall cooperate
17 with representatives of the Board in their supervision and investigation of Respondent's
18 compliance with the terms and conditions of this Agreement.

19 24. **FINANCIAL RESPONSIBILITIES AND MONITORING FEES (DUE**
20 **MONTHLY)**

21 RESPONDENT shall be financially responsible for all requirements of this Agreement,
22 including any financial assessments by the Board for the cost of monitoring her compliance with
23 this Agreement.

24 25. **WRITTEN NOTIFICATION OF CHANGE OF ADDRESS**

25 RESPONDENT shall notify the Board, in writing of, and prior to, any change of address.

26 26. **EFFECT ON ALL LICENSURE IN THIS STATE**

27 This Agreement shall cover any nursing license and/or certification issued by the State of
28 Nevada.

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1 27. **REQUIRED NOTIFICATION OF OTHER STATES OF LICENSURE**
2 **AND/OR CERTIFICATION**

3 RESPONDENT shall, upon execution of this Agreement, inform any other state board of nursing
4 in whose jurisdiction she has been issued a license (current or not), or in whose jurisdiction
5 he/she has applied for a license, or will apply for a license, of this Agreement. Respondent shall
6 provide a copy of this Decree to said Board(s) of Nursing.

7 28. **TERMINATION OF PROBATION**

8 Upon completion of the stipulations of this Agreement, Respondent shall apply for termination
9 of probation and issuance of unrestricted licensure on forms supplied by the Board. Respondent
10 shall meet with the Associate Executive Director for Nursing Practice and the Disability
11 Advisory Committee for evaluation of compliance and recommendation for termination of
12 probation. The probation shall continue until terminated by the Board. The Board will
13 determine whether or not probation will be terminated.

14 29. **VIOLATIONS TO BE REPORTED TO BOARD WITHIN SEVENTY-TWO**
15 **(72) HOURS**

16 RESPONDENT shall practice in accordance with the Nurse Practice Act and Board established
17 Standards of Practice. Respondent shall obey all federal, state and local laws, employer policy or
18 contracts, and orders of the Board, pertaining to the practice of nursing in this state. Any and all
19 violations shall be reported by the Respondent to the Board in writing within seventy-two (72)
20 hours. It is the Respondent's responsibility to resolve with the Executive Director, or the
21 Associate Executive Director for Nursing Practice any confusion regarding what laws pertain to
22 nursing.

23 30. **CONSEQUENCES OF FURTHER VIOLATIONS INCLUDING**
24 **VIOLATIONS OF THIS AGREEMENT; AGREEMENT TO SURRENDER**
25 **LICENSE AND/OR CERTIFICATE**

26 RESPONDENT acknowledges that if she should violate one or more of the terms of restricted
27 licensure, the Board may revoke, or invoke other appropriate discipline against her license to
28 practice nursing, subject only to the requirement that the Board shall, prior to such disciplinary

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1 action, conduct a hearing in accordance with the Nevada Nurse Practice Act for the limited
2 purpose of establishing that there has, in fact, been a violation of the stipulations of this
3 Agreement. In the event that a violation of the stipulations is alleged, Respondent agrees to
4 surrender her license to the Executive Director, or the Associate Executive Director for Nursing
5 Practice, if they so request, and refrain from practicing nursing until entry of a final order of the
6 Board or a court of competent jurisdiction, whichever last occurs, regarding a potential violation.
7 Respondent agrees to waive her right to appeal the substantive legal basis of the disciplinary
8 action. In the event an alleged violation of probationary licensure is taken to hearing and the
9 facts which constitute the violation are determined to be not proven, no disciplinary action shall
10 be taken by the Board and the probationary licensure previously ordered by the Board shall again
11 be operative and in full force and effect.

12 31. **CONSEQUENCES OF OTHER MISCONDUCT**

13 In the event other misconduct is reported to the Board, this Agreement may be used as evidence
14 against the Respondent to establish a pattern of behavior and for the purpose of proving
15 additional acts of misconduct.

16 32. **REPORTING TO NATIONAL DISCIPLINARY DATA BANKS**

17 This agreement will become part of the Respondent's permanent record, will become public
18 information, will be published with the list of disciplinary actions the Board has taken, and will
19 be reported to a national disciplinary data bank, either the Healthcare Integrity and Protection
20 Data Bank or National Council of State Boards of Nursing's Nursys. The Agreement may be
21 used in any subsequent hearings by the Board.

22 33. **WAIVER OF RIGHT TO APPEAL**

23 RESPONDENT agrees to waive her right to appeal the substantive legal basis of the disciplinary
24 action. In the event an alleged violation of probationary licensure is taken to hearing and the
25 facts which constitute the violation are determined to be not proven, no disciplinary action shall
26 be taken by the Board and the probationary licensure previously ordered by the Board shall again
27 be operative and in full force and effect.

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1 NEVADA STATE BOARD OF NURSING retains jurisdiction in this case until all
2 conditions have been met to the satisfaction of the Board.

4 NEVADA STATE BOARD OF NURSING

6 Sandra Jones
7 RESPONDENT

9 2-1-02
10 Date

6 Cookie Bible, BSN
7 Cookie Bible, BSN, RNC, APN
8 Board President

9 3-20-02
10 Date

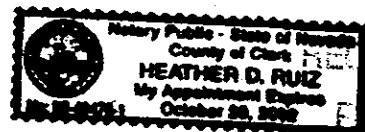
14 Debra Scott, MS, RN
15 Debra Scott, MS, RN
16 Associate Executive Director
17 For Nursing Practice

18 2/6/02
19 Date

20 STATE OF Nevada
21)
22 COUNTY OF Clark)

23 This instrument was acknowledged before me on Feb 1, 2002
24 by Sandra Jones (RESPONDENT).

26 Heather D. Ruiz
27 Notary Public
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